IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.123 OF 2006
IN
CIVIL REVISION APPLICATION NO.146 OF 2006

Mollin Francis Almeida ...Applicant

vs.

Francis Joachim Almeida ...Respondent

Ms Sumangala for the Applicant

CORAM: A.S.OKA,J.
DATE : MARCH 29,2007.

P.C.:

1. The learned Advocate for the Applicant states that in terms of the order dated 7th March 2007, intimation of the date fixed has been duly served to the Respondent and Affidavit of service has been tendered today in the court. The said Affidavit is taken on record and marked 'X' for identification.

2. In this Application under section 24 of the Code of Civil Procedure,1908, the Applicant has prayed for transfer of the matrimonial petition filed by the Respondent herein in the District Court, Raigad at Alibag. The Petitioner is the wife and the Respondent is the husband. The prayer for transfer of the said petition to the District Court at Thane is made on several grounds. It is stated that the Applicant and her two minor sons are residing at Nerul at Navi Mumbai and the Applicant is not in a position to attend the Court at Alibag

as she is employed with a Call Centre at Navi Mumbai. It is stated that the Applicant has no relative or a friend at Alibag.

3. There is no reply filed by the Respondent to this Application. In view of the averments made in the Application, the same deserves to be allowed.

4. Hence, I pass the following order :

i) The Marriage Petition No.1 of 2006 pending in the District Court, Raigad at Alibag is hereby transferred to the District Court at Thane for final disposal.

ii) The District Court, Raigad at Alibag will transfer the papers of the Marriage Petition to the District Court at Thane on production of an authenticated copy of this order.

iii) After receiving the papers, the District Court at Thane will issue notice of the date fixed in the Petition to both the parties.

iv) Application is allowed in above terms. There will be no order as to costs.

JUDGE